

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ISHMAEL WAHID,

Defendant.

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Case Nos. 1:14-cr-214
1:18-cv-424

ORDER
[Resolving Docs. [1011](#), [1014](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendant Ishmael Wahid has filed two motions that essentially amount to a request for this Court to reconsider its denial of his habeas petition for relief under [28 U.S.C. § 2255](#).¹ Because those motions largely rehash the same arguments Wahid made in his petition, the Court **DENIES** both motions to reconsider for the same reasons given in its earlier order.²

Only one point requires further discussion. Upon further review of the Sixth Circuit's decision in *United States v. Conzelmann*,³ the Court believes that it may have erred in relying on the PSR's description of Wahid's 2003 drug conviction. Nonetheless, the Court also took judicial notice of the related state court *Shepard*⁴ documents, namely the indictments and journal entries from the 2003 conviction. Those documents are sufficient on their own to show that Wahid was convicted for manufacturing cocaine and thus support the Court's decision to dismiss Wahid's petition. The Court has attached copies of these documents to this Order for Petitioner's convenience and to facilitate review by the Sixth Circuit if Wahid elects to proceed with his appeal.

¹ Doc. [1011](#), [1014](#).

² Doc. [1006](#).

³ 514 F. App'x. 598 (6th Cir. 2013).

⁴ *Shepard v. United States*, 544 U.S. 13 (2005).

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Gwin, J.

The Court continues to see no grounds to issue a certificate of appealability.

IT IS SO ORDERED.

Dated: July 19, 2018

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE